

REMARKS/ARGUMENTS

Applicant requests that the Examiner consider the present amendment prior to the issuance of the First Office Action. The present amendment is in response to the Final Action in the parent application.

Independent claims 1, 10 and 16 have been amended to specify that the one or more ribs on the exterior wall of the pour spout not only taper downwardly but also broaden toward the floor (16). Support is readily seen in Fig. 3 and 4.

Claims 1-7 and 9-15 were earlier rejected under 35 U.S.C. § 102(b) as anticipated by Ekkert et al. (US Patent 5,435,467).

The Examiner noted that Ekkert et al. illustrates in Figure 8 a rib (110) which extends in an outward taper from an exterior wall of the pour spout towards a circumscribing wall. Yet in contrast to the presently claimed invention, rib (110) does not downwardly broaden to a floor of the spout. Rib (110) tapers upwardly and diminishes as it approaches the floor. Not only is the geometry different but the function and resultant performance is also quite distinct.

Rib (110) of Ekkert et al. is present to assist stacking of multiple pour spouts onto one another. See column 7 (lines 65-68). By contrast, applicant's ribs (24) function to inhibit double pouring to avoid spillage.

Absent the downward broadening tapered rib feature of the present invention, Ekkert et al. would not anticipate the claims.

Neither does Ekkert et al. render the claims obvious. The difference in the tapered structure provides different and non-obvious functional benefits. The "lug 110" provides no interference (i.e. a dam effect) near a floor of the spout. Lug (110) would not interfere with any liquid nor prevent errant pouring. For this reason, Ekkert et al. would not render the claims obvious.

In view of the foregoing amendment, applicant requests the Examiner to now allow the claims.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Milton L. Honig", is written over a horizontal line.

Milton L. Honig
Registration No. 28,617
Attorney for Applicant(s)

MLH/sm
(201) 894-2403